



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,864	05/19/2000	Toshio Inadate	09812.0571-00000	1674
22852	7590	06/07/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			TRAN, TONGOC	
		ART UNIT	PAPER NUMBER	
			2134	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

09/575,864

**Applicant(s)**

INADATE, TOSHIO

**Examiner**

Tongoc Tran

**Art Unit**

2134

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
  - b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
  - (a)  They raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  They raise the issue of new matter (see NOTE below);
  - (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.

13.  Other: \_\_\_\_\_.

*Jacques H. Louis JACQUES*  
JACQUES H. LOUIS JACQUES  
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that the cited references do not teach the claimed limitation of "recording" means for recording a request information transmitted by a first user...wherein said first user is a customer and said request information is a non-binding request for an offer to sell goods. Applicant contends that Ojha's non-binding bid from a buyer corresponding to the claimed request for an offer to sell goods by a customer taught by Ojha is even non-binding one is an expression of one's intent to purchase an item on a particular terms. Applicant points out that Ojha provides in a separate embodiment to discourage frivolous bidding (col. 3, line 24). However, the teaching of Ojha's discouraging frivolous bidding that Applicant refers is to discourage from frivolous bidding not in the financial terms. Rather, is a rating of the buyer's reputation according to the buyer's transaction behavior. Ojha further teaches that it is common for buyer to be expected to submit credit card information before entering negotiation of the transaction to serve as a penalty if the buyer abandon the negotiation and this may become a barrier for the buyer to conduct negotiation under this condition and thus Ojha's non-binding is an advantage over the normal practice. Applicant further argues the difference between the providing quote by the seller in response to the buyer's request with the request for an offer to seller goods matching the request of said customer. Applicant argues that a "quote" is simply a statement of price whereas an "offer" is an assertion of willing to do business on specified terms. The term "offer" as defined in "The American Heritage College dictionary, can be "to present consideration proposed" or "present in order to meet or satisfy a requirement. Therefore, whether a quote encompasses solely the price or other information such as payment requirement or delivery conditions or offer encompasses any requirement proposed by the buyer would not make it patentably distinct from the claimed limitation. Applicant further contends that the references fail to teach the searching means. Examiner respectfully disagrees, Walker '223 teaches a searching engine for matching the buyers and the sellers (see Walker '223, col. 7, lines 30-35 line 67-col. 8, line 1). In respect to claim 13, the listing of sellers is response to all customers requests, therefore, when the customer that submitted a request and make a search for that request in the Internet, he/she is able to see the entire listing that submitted for the similar request. Therefore, it meets the claimed limitation of the searching means allows a customer to search request information submitted by other customers..